

APPEAL TO FCC for 471 Application # 1055252

Subject: APPEAL: 471 Application #1055252 – FRN: 2885008

RE: 471 Application #1055252
FRN: 2885008
Applicant: FOCUS Learning Academy
BEN: 227146
Contact: Luther Jones
Address: 2524 W. Ledbetter Drive, Dallas, TX 75233
Telephone: (972) 283-1414
Email: luther.jones@focusacademy.org
Service Provider: Edu-Net
SPIN: 143033794
Finding at Risk: \$19880.44

Accepted / Filed

APR 19 2016

**Federal Communications Commission
Office of the Secretary**

CC: 02-6

To whom it may concern:

I received notification via the Funding Commitment Decision Letter dated 12/11/2015 (copy attached) that my Funding Request Number 2871565 from the original 471 Application # 1048151 had recently been denied. This original FRN and 471 Application were filed timely and the contract for the original FRN was executed after the allowable contract date.

I received a letter from USAC dated 9/03/2015 (copy also attached) with questions regarding this FRN. Upon further review and a call with a USAC representative, I realized that the funding request should have been filed under Category Two services, under the subcategory Eligible Managed Internal Broadband Services. I replied via email on 9/18/2015, (copy of reply attached) and I was under the impression that USAC would reclassify the original Funding Request from Category One to Category Two (rather than denying the original funding request).

I have recently filed a new 471 Application #1055252 for these services as Category Two services with an FRN of 2885008; however the date of the filing is "Out of Window". I am simultaneously appealing the denial of the original FRN from the original 471 Number 1048151 with USAC. I was instructed by a USAC representative today to file two separate appeals (one to USAC for the original 471 Application #1048151 and one to the FCC for the new 471 Application #1055252 with the services properly classified under Category Two). If I should cancel one of the two appeals in process, please advise me as I do not want to apply for funding for the same services twice.

In this appeal I am requesting the new 471 Number 1055252 with the FRN 2885008 simply be moved from "Certified – Out of Window" to "Certified – In Window" so it will be eligible for review by USAC. Again, to reiterate, the original 471 and FRN was filed within the timeframe specified by USAC, and the contract was entered into after the allowable contract execution date. Thank you for your help and understanding.

Sincerely,

Luther Jones

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Universal Service Administrative Company

Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2015: 07/01/2015 - 06/30/2016)

December 11, 2015

Luther Jones
FOCUS LEARNING ACADEMY
2524 W. LEDBETTER DRIVE
DALLAS, TX 75233

Re: FCC Form 471 Application Number: 1048151
Billed Entity Number (BEN): 227146
Billed Entity FCC Registration Number (FCC RN): 0014266993
Nickname: FOCUS-471-FY2015

Thank you for your Funding Year 2015 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$182,836.00 is "Approved."
- The amount, \$22,197.38 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full.
- Review Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, as products and services are being delivered and billed.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - FCC Form 471 Application Number 1048151 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2015," AND
 - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

FUNDING COMMITMENT REPORT
Billed Entity Name: FOCUS LEARNING ACADEMY
BEN: 227146
Funding Year: 2015

Comment on RAL corrections:
FRN(s) modified in accordance with a RAL request.

FCC Form 471 Application Number: 1048151
Funding Request Number: 2871565
Funding Status: Not Funded
Service Type: Internet Access
FCC Form 470 Application Number: 444610001343049
SPIN: 143033794
Service Provider Name: Edu-Net , LLC
Contract Number:
Billing Account Number: N/A
Service Start Date: 07/31/2015
Service End Date: N/A
Contract Award Date: 04/16/2015
Contract Expiration Date: 06/30/2020
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 11
Annual Pre-discount Amount for Eligible Recurring Charges: \$18,119.75
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$3,621.75
Pre-discount Amount: \$23,388.75
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Ineligible Services/Products
Funding Commitment Decision Explanation: This FRN is for Internal Connections but is listed under Internet Access category of service. Per program procedures, category one and category two services must be filed on separate applications. Since this requirement was not met, the FRN is denied.

FCDL Date: 12/11/2015
Wave Number: 028
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name:
Consultant Registration Number (CRN):
Consultant Employer:

FY 2015 E-rate Application Information Request

09/04/2015

Contact Name: Luther Jones
Applicant Name: FOCUS LEARNING ACADEMY
FCC Form 471 Application Number(s): 1048151
Response Due Date: 09/19/2015

Dear Applicant:

As we discussed in our conversation, we are in the process of reviewing your Funding Year 2015 FCC Form 471 Applications for E-rate discounts. To complete our review, we need additional information, which is listed below.

Eligibility of Products or Services

I. Issue

Based on the review of your Funding Year 2015 FCC Form 471 application **1048151**, FRN **2871934** includes interconnected Voice over Internet protocol (VoIP) service. However, the type of VoIP service offered by various service providers may vary. Therefore, we require some additional information regarding the VoIP service that you are requesting on your application.

Question

To assist us in the review of your application, please provide the following information:

1. Vendor documentation which provides a detailed listing of the products and/or services provided for the requested VoIP service. Please note, any vendor documentation provided should clearly identify any ineligible charges that were cost allocated out of your request or clearly identify any ineligible charges that we should cost allocate from your request. Examples of supporting documentation include contracts, vendor quotes, vendor bills, invoices, etc.
2. Does your VoIP request contain either on-premise equipment and/or free ineligible handsets? ☒ **No** ☐ **Yes** ☐ **No**
 - a. If **No**, please indicate so in writing.
 - b. If **Yes** and the bundle contains on-premise equipment, please provide the make and model of the equipment provided.

On-Premise Equipment	Make/Model
49	Cisco 7960 Series
2	Cisco 7961 Series

On-Premise Equipment	Make/Model
<List description of on-premise equipment>	

- c. If **Yes** and the bundle contains free ineligible handsets, the costs for these handsets need to be removed from the request based on the FCC Order DA-14-712. As a reminder cost allocations must be based on tangible criteria which reach a realistic result.

Please refer to <http://usac.org/sl/applicants/beforeyoubegin/eligible-services/cost-allocations.aspx> for additional information regarding cost allocation.

If you do not have this information readily available, you may consult with your service provider for assistance, if desired.

Please submit the necessary information within the 15 calendar day deadline of this request.

28-Day Waiting Period / Contract or Legally Binding Agreement Review

I. Issue

Based on the review of your Funding Year 2015 FCC Form 471 application **1048151**, FRN **2872200** is a request for services being provided under contract and the Contract Award Date **03/14/2013** is prior to the Allowable Contract Date **03/27/2015**. Program rules require that a signed contract or a legally binding agreement with your service provider be in place at the time of the submission of the FCC Form 471 certification and after the FCC Form 470 has been posted for the 28-day waiting period.

For additional information on contracts, CADs and the process of selecting a service provider, see: <http://www.usac.org/sl/applicants/step03/default.aspx>.

Questions

To assist us in the review of your application, we need the following information:

Is the FCC Form 470 # **444610001343049** the correct FCC Form 470 that was posted for the products and services requested on the FRN? ☐ Yes ☒ No

- If **No**, please provide the correct 15-digit FCC Form 470 that was posted for the requested service category. (If the correct FCC Form 470 was posted by your State and if the requested service is being purchased from a State Master Contract, please let us know.)

The FCC Form 470 that established the bidding for this FRN is: 647920001208055

- If **Yes**, please confirm if the Contract Award Date (CAD) of **03/14/2013** is the correct CAD entered at the time the FCC Form 471 was completed? ☒ Yes ☐ No

If **No**, please provide the following information:

1. A copy of the full contract, signed and dated by the applicant, if available.
2. If you do not have a signed contract, please provide documentation of a legally binding agreement. Documentation of a legally binding agreement must include both the

existence of a written and dated offer from the service provider containing all the material terms and conditions and a written and dated acceptance of that offer from the applicant. Examples of documentation are bids submitted in response to an RFP, a quote, an offer including scope of work and pricing information as well as e-mails or other types of written correspondence from the applicant informing the service provider the bid was selected or that the offer has been accepted.

3. Were the services procured under a State Master Contract? ☐ Yes ☒ No
a. If Yes, what is the name and number of the State Master Contract?
4. Is the State Master Contract available online or been previously submitted to us in connection with the review of another FCC Form 471 application? ☐ Yes ☐ No
a. If Yes, what is the FCC Form 471 application that was involved?
b. If No, please provide a copy of the State Master Contract.

Note: If signed and dated contracts or legally binding agreements are not required under your state law or local procurement regulations, see the instructions below.

Signed and Dated Contracts are not required in my state (only complete this section if applicable)

In some states, signed and dated contracts or legally binding agreements are not required under state law or local procurement regulations. If the entity receiving the services under this FRN is located in such a state, please provide the following information:

1. Supporting documentation demonstrating that this state's contract laws or the entity's local procurement regulations do not require signed and dated contracts. If you are not able to provide supporting documentation, you must instead provide a contract that is signed and dated by the applicant or a dated documentation of a legally binding agreement. Examples of acceptable documentation include: a letter from your state procurement office, a copy of your state's contract laws, or a copy of your local procurement regulations.
2. Are you authorized to make the representations set forth below on behalf of **FOCUS LEARNING ACADEMY**, the entity represented on this letter, and are you the most knowledgeable person with regard to this information? ☐ Yes ☐ No
3. Can you confirm that the contract referenced for the FRN mentioned above meets your state or local procurement regulations or rules? ☐ Yes ☐ No

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request(s).

Response Reminders

Please email or fax the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review of your application(s). **Failure to send all of the information requested may result in a reduction or denial of funding.** If you need additional time to prepare your response, please let

PIA Information Request
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Response due: 09/19/2015

me know as soon as possible. If you are unable to provide the requested information because your school or library has closed for summer break, please indicate in writing the timeframe that you will be unavailable to respond.

Additionally, please note that you are required to retain all documents related to the application for, receipt and delivery of supported services as well as any other documents that demonstrate compliance with the requirements of the program for at least 10 years after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Leon Adams
PIA Reviewer
Program Integrity Assurance
USAC, Schools and Libraries Division
Phone: 973-581-5314
Fax: 973-599-6538
E-mail: leon.adams@sl.universalservice.org